IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO : 12475 of 2005

Between:

Sri Balasiva Yogindra Maharaj Degree College, Kasibugga
Srikakulam District, rep by its President and Correspondent T.Balasiva Yogindra Maharaj, S/o. of Sri T.Rosaiah

..... PETITIONER

AND

1 The Assistant Provident Fund Commissioner Employees Provident Fund Organisation Sub Regional Office, Visakhapatnam.
2 The Branch Manager Andhra Bank, Palasa/Kasibugga, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings No.AP/VP/CC.55/AP/17296/7A/2005/1194, dt.26.5.2005 and the subsequent proceedings in Prohibitory order No.AP/VP/17296/CC/55/ENF/PD/REc.Cell.2005/1363 dt.2.6.2005 issued by the first respondent, as illegal, improper, unjust and without jurisdiction and further declare that the petitioner college will not come under the purview of the employees provident funds and miscellaneous provisions Act 1952 and pass such other order or orders.

Counsel for the Petitioner: MR.N.BHARAT BABU

Counsel for the Respondent No.1: M/SB.KAVITA YADAV

Counsel for the Respondent No.2: Mr. N. Ram Mohan Rao.

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12475 OF 2005

O R D E R:

The writ petition is filed questioning the order dated 26-05-2005 passed under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act') as well as the consequential prohibitory order dated 02-06-2005.

Since, admittedly against the impugned order dated 26-05-2005, an alternative remedy of appeal is available under Section 7-I of the Act, I am not inclined to entertain the writ petition.

The writ petition is accordingly disposed of granting leave and liberty to the petitioner to work out the alternative remedy of appeal available under the Act. However, there shall be a direction that the prohibitory order dated 02-06-2005 shall not be given effect to for a period of two weeks from today. No costs.

(G. ROHINI, J)

Date: 20-06-2005

Note:

1. Issue operative portion of the above order by wire at party's costs.

2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

ghn

To

1 The Assistant Provident Fund Commissioner Employees Provident Fund Organisation Sub Regional Office, Visakhapatnam.

2 The Branch Manager Andhra Bank, Palasa/Kasibugga, Srikakulam District.

3 Two C.D copies

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12475 OF 2005

OPERATIVE PORTION (BY WIRE):

The writ petition is accordingly disposed of granting leave and liberty to the petitioner to work out the alternative remedy of appeal available under the Act. However, there shall be a direction that the prohibitory order dated 02-06-2005 shall not be given effect to for a period of two weeks from today. No costs.

Order follows…..

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(**G. ROHINI, J**)

Date: 20-06-2005

Note:

Issue wire at party's costs.

Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

ghn